

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF HOME INSPECTORS  
101 Sea Hero Road,  
Suite 100  
Frankfort, Kentucky 40601-5405

Board Meeting  
January 13, 2009  
9:00 am

**Approved February 17<sup>th</sup>, 2009**

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**Present Board Members:**

D. Michael Green, Chairman  
Michael Patton, Vice Chairman  
George Mann, Department of Housing Buildings and Construction Proxy  
James R. Bone  
Richard W. Flora  
Michael A Patton  
Linda L. Swearingen  
Ralph Wirth

**Absent Board Members:**

William J. Welty, Sr.

**Guests:**

Don Gains, A-Pass Weikel Institute  
Carolyn Quiseneberry, A-Pass Weikel Institute  
Jim Ball, KREIA

**Department Staff:**

Dawna King, BCE  
Michael Bennett, Staff Attorney  
Laura Lynne Best, Department Budget Director

**Meeting Called to Order**

Chairman D. Michael Green called the meeting to Order. Rose Baker swore in new board member James R. Bone.

### **Previous Minutes-Approve/Disapprove or Discussion**

The Board reviewed and discussed last month's Board minutes. Mr. Wirth moved to approve the minutes with noted changes. Mr. Bone seconded the Motion. Motion carried unanimously.

### **Jim Ball – KREIA President**

Jim Ball discussed a new continuing education course submitted from KREIA. It is a business course titled "Working for Profit". Mr. Patton moved the Board to approve this course. Mr. Mann seconded the Motion. The vote was 4-3 in favor of approving the course.

### **Ethics Disclosure – Michael Green and KREIA**

The Chairman revealed he authored a power point demonstration for Manufactured Housing and made it available to KREIA. KREIA paid the Chairman \$240 for his services. Mr. Wirth moved the Board to approve the Chairman's involvement in the class and his pecuniary interest. Mr. Patton second the Motion. Motion carried unanimously.

### **Review New Applications**

As of January 13, 2009, there are two (2) applicants who have completed all the requirements to become Kentucky Home Inspectors. The applicants need Board approval to become Kentucky Home Inspectors. They are:

Charles E. Wire of Benson, KY  
Kenneth Wilson of Louisville, KY

Linda Swearingen moved the Board to approve the new inspectors. Michael Patton seconded the Motion. The Board unanimously approved these men as the new Kentucky Home Inspectors

The following applicants will be approved contingent on providing missing information. They are:

Michael J. Brown of Houstonville, KY  
Gary T. Carpenter of Clarksville, TN  
Nick A. Caudill of Morehead, KY  
William Clark of Franklin, KY  
Raymond M. Floyd of Winchester, KY  
Michael P. Hope of Georgetown, KY

Ryan N. True of Dry Ridge, KY

Mr. Bone moved the Board to approve these applicants. Mr. Wirth seconded the Motion. The Board carried this motion unanimously.

### **Review of those who did not renew their applications in November or December**

The following have an expired Kentucky Home Inspection license as of November:

James Charles Anderson of Cincinnati, OH  
Joey K. Combs of London, KY  
Philip Michael Crosby of Louisville  
Gary Curry of Lexington, KY  
Michael Kent Duncan of Lexington, KY  
Jonathan Patrick Morris of Cincinnati, OH  
Gregory Aaron Rose of Taylor Mill, KY  
Joseph Lewis Morehote (phonetic) of Louisville, KY

The following have an expired Kentucky Home Inspector license as of December:

Carey Rex Attasbroke (phonetic) of Clarksville, TN  
Richard Johns Blink of Bowling Green, KY  
Gary McCracken of Lawrenceburg, KY  
Anthony Joseph Veeth of Louisville, KY  
Joshua Wright of Lexington, KY

Twenty (20) percent of the Kentucky Home Inspectors allowed their license to lapse.

Mr. Patton moved the Board to direct the Department (Department of Housing Buildings and Construction) to draft an expiration letter to those who allowed their license to lapse. Mr. Flora second the motion. The Board carried this motion unanimously.

The Board discussed renewal letters. Mr. Mann indicated processing can take up to a month to complete. The Board discussed whether notice to renew should go out and whether the Department should send letters two months before the license will expire. Mr. Mann and Ms. King will draft a form letter and send them to licensees.

### **Financial Report and Budget Re-evaluation**

Laura Lynne Best reported the revenue from August to December 31, 2008 was \$38,200 and the expenses were the travel expenses the Board incurred. The balance is \$177,000. However, the general fund may expropriate some of the Board's \$177,000. The Chair queried Ms. Best whether the Department could be compensated for their

assistance to the Board. Ms. Best first indicated the statute would not allow the Department staff be compensated for Board work. However, she inadvertently looked at an expired statute. The present statute **does** allow the Department to be compensated for Board work.

Other alternatives to keep general funds from expropriate Board funds would be to decrease the Kentucky Home Inspector license fee. However, the Board was curious as far as what to do with those license holders who have renewed their license this year (and they suggested this before Ms. Best corrected her error). Mr. Wirth moved the Board to have Mr. Bennett to research this alternative. Mr. Bone second the motion. The Motion carried unanimously.

Another alternative: Four times a year the Board could sponsor free continuing education classes for their licensees. The Board would incur all the costs for holding these classes. Ms. Best indicated procurement must be involved. Ceibert Falkner is the procurement representative for the Department. Mr. Wirth motioned for the Board to sponsor continuing education classes using Board funds. Mr. Flora second the Motion. The Motion was unanimously passed.

Richard Flora volunteered to meet with Mr. Falkner.

Finally, some questioned whether an enforcement mechanism will be added. The Chair said this topic will be discussed in a future board meetings.

### **Website Update**

The Chair approved the website with exceptions. The Kentucky Home Inspector Board should be on the Building Code Enforcement page. Mr. Mann stated he could not change the location of the website. The Chair and other Board members suggested a hyperlink be placed under the Kentucky Home Inspector title because the website is difficult to find.

Other problems: Mr. Bone needs to be added and Mr. Patton is listed twice on the Board Members listing.

### **Continuing Education Regulations**

Continuing education regulations have not changed. However, they are in the process of changing. Presently, home inspectors are required to complete 14 hours of continuing education a year (not 15). This includes eight (8) hours of standards and practice.

### **Staffing and Record Keeping**

The Board is concerned over Department job losses for fiscal year 2008/2009. The Board recommended the following:

- 1) All Board minutes should be accessible on the web for review.
- 2) The Department should keep a binder of past minutes and other important references.

Mr. Patton wondered whether the Department could publish minutes on the website before the Board approves of the minutes.

- Mr. Mann will consult with general counsel whether the minutes could be published on the internet before Board approval. The Chairman noted this and will be tabled for the next meeting.

### **Board Fee Increase**

Currently, KRS § 198B.704 (18) states the Kentucky Home Inspector Board Members shall earn a minimum of \$35 per board meeting. The Board believes they could increase this fee. A Board Member indicated this was put to a vote but the Board did not pass it. One Board Member wondered whether they could take a stipend. Mr. Mann said only the Boilers Board received stipends. The Board requested Mike Bennett to research The Kentucky Home Inspector Board fees pursuant to KRS § 198B.704 (18).

### **Complaints Pending/Litigation**

Litigation # HIC 08 – (inaudible)

# HIC 08-01-06-01 – Ralph Wirth left the meeting and George Mann entered. The question presented is: Was this in fact a home inspection? The inspector did not possess a Kentucky Home Inspector License. Michael Patton and Linda Swearing investigated this complaint. They concluded this was not a home inspection. Linda Swearing moved the Board to dismiss the complaint. Mr. Patton second the Motion. The Motion passed unanimously. Complaint dismissed.

Question to the Board from Dawna King: Can a home inspector company have a Kentucky address, but only one inspector is licensed in Kentucky? The Board believes only the inspector who is licensed in Kentucky should **inspect in** Kentucky. The Board requested Michael Bennett to research this issue.

### **815 KAR 6:0030 Home Inspector Conduct**

Question: What is not compensation? Only seven states are allowed inducements but what kind of inducements are included. Kentucky does allow inducements as long as they are documented. See section one of 815 KAR 6:030.

Michael Bennett stated there is a Boyle County/Danville Home Inspector who is not a licensed Kentucky Home Inspector. A complaint has been filed in the Boyle County Attorney's office.

Jessie Aronstein recommended the Federal Pacific Electric Breakers be replaced. He wanted to attend the Board meetings in the past, but the Board denied his request. Now Mr. Aronstein request the Board to accept or deny his position in writing. The Board assigned Michael Bennett to write a letter to Mr. Aronstein. The letter shall say the Board rejects his recommendation and they will not discuss this any longer. Mr.

Wirth motioned the Board to allow Mr. Bennett to draft the letter. Mr. Flora second the Motion and the Motion carried unanimously.

#### **Chapter 4:11 Advisory Bulletin.**

Michael Bennett neglected to review and approve this opinion on “the right to cure”. Michael Patton moved the Board for Mr. Bennett to review this bulletin. Ms. Swearingen second it and it passed unanimously.

#### **Regulations**

815 KAR 6:010 – revisions are made.

Not a lot of work on 815 KAR 6:020 and 6:030.

815 KAR 6:040 needs work and will be tabled for the next meeting.

#### **Licensed Expired Letter**

When a Kentucky Home Inspector license has expired, Dawna King and Michael Bennett will draft a letter. The letter will state whether the inspector’s license has expired, canceled, terminated or revoked. If their insurance has been cancelled then it also means their license has been cancelled.

#### **Continuing Education Class Provider (PHII)**

Question: Should online services be approved for continuing education? The Board is wary of online services. Further, PHII, an online service, had not taught all the standards of practice. However, continuing education providers are not required to teach all standards of practice pursuant to 815 KAR 6:040. The Board could not locate language which may discourage online continuing education providers. Mr. Bennett said there is no language barring online classes. The Board decided to approve PHII. The Chair inquired whether other online continuing education providers had been denied solely because they were an online provider. A member mentioned Internatchi.

Mr. Flora moved the Board to approve PHII as a continuing education provider and the Chair investigate all other online providers who would like to bring their services to Kentucky. Mr. Flora withdrew the Motion. Mr. Patton moved the Board to look back two years to recognize expiration date and class work would be acceptable after this date and review online application board needs to review these prior approval of these courses. Mr. Flora second this motion and the Board unanimously affirmed the Motion.

#### **Adjournment**

Mr. Wirth moved the Board to adjourn and Mr. Bone seconded it. Motion carried unanimously.

#### **Next Meeting**

**Tuesday 17<sup>th</sup>, 2009 at 9:00 am**

